

STATE OF CONNECTICUT
DEPARTMENT OF HEALTH SERVICES
BUREAU OF HEALTH SYSTEM REGULATION
DIVISION OF MEDICAL QUALITY ASSURANCE

In re: Daniel Bivona, Hairdresser/Cosmetician

Petition No. 881004-20-05

CONSENT ORDER

WHEREAS, Daniel Bivona, H/C of Stamford, Connecticut, has been issued license number 0390³⁷~~87~~ to practice hairdressing and cosmetology by the Department of Health Services pursuant to Chapter 387 of the General Statutes of Connecticut, as amended; and

WHEREAS, Daniel Bivona, H.C., hereinafter referred to as the Respondent, hereby admits as follows:

1. During 1986 he worked at and was employed as a hairdresser and cosmetician at The Salon located in Stamford, Ct. He was enrolled at a hairdressing and cosmetology school, and was not a licensed practitioner.
2. Ms. Ann Falzetti was the manager of The Salon during 1986, when he worked there as a hairdresser and cosmetician.
3. During the summer of 1986 he negligently or incompetently administered a hair color to his client Cheryl Funaro.
4. He received a Connecticut license to practice as a hairdresser and cosmetician in 1987, the year after he administered the hair coloring to Ms. Funaro.
5. That by his actions in (1) and (3) above he has violated the provisions of §20-263 of the General Statutes of Connecticut by failing to conform to the accepted standards of the profession of hairdressing and cosmetology.

NOW THEREFORE, pursuant to §19a-17 and §20-263 of the General Statutes of Connecticut, Daniel Bivona hereby stipulates and agrees to the following:

1. That he waives his right to a hearing on the merits of this matter;
2. That his license to practice hairdressing and cosmetology in Connecticut is hereby suspended for one year;
3. That said suspension is stayed after one month, and he is to be on probation for the remainder of the one year under the following terms and conditions:

- (a) he shall not administer hair coloring except under proper supervision as described below;
- (b) he shall obtain a qualified individual to act as a supervisor of his professional activities; said individual shall be licensed by the State of Connecticut to practice hairdressing and cosmetology and shall be approved by the Department of Health Services and the Board of Examiners for Barbers, Hairdressers and Cosmetologists prior to supervising Daniel Bivona; said individual shall provide the Board on a monthly basis, with written reports concerning Daniel Bivona's competence as a hairdresser and cosmetologist.
- (c) Said reports shall be submitted to:

Celia Bumstead Carroll
Paralegal
Department of Health Services
Division of Medical Quality Assurance
150 Washington Street
Hartford, Connecticut

4. That he will submit his hairdresser/cosmetician license to Celia Bumstead Carroll for the period of active suspension.
5. That he is hereby assessed a civil fine of \$500.00 for failing to comply with the provisions of §20-263 of the Connecticut General Statutes. Said penalty to be paid to:

Treasurer, State of Connecticut
Department of Health Services
150 Washington Street
Hartford, Connecticut 06106

Payment of the aforementioned fine by certified check shall accompany this document upon execution by the respondent, Daniel Bivona.

6. Any report filed under Paragraph 3. above that indicates, that the Respondent is unable to practice hairdressing and cosmetology with reasonable skill within the accepted standards of the profession of hairdressing and cosmetology shall constitute a deviation from the terms of probation and shall result in the procedures listed in Paragraph 7. below.
7. Any deviation by the Respondent from the probation conditions shall constitute a violation of this consent order and his license automatically shall be suspended for eleven months.
8. That he understands that this Consent Order may be considered as evidence of the above admitted violations in any proceeding before the Connecticut Board of Examiners for Barbers, Hairdressers and Cosmeticians (1) in which his compliance with this same order is at issue, or (2) in which his compliance with §20-263 of the General Statutes of Connecticut, as amended, is at issue.
9. That this Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, that said order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive him of any rights that he may have under the laws of the State of Connecticut or of the United States.
10. That this Consent Order shall become effective 1 January 1989.

11. That he permits a representative of the Public Health Hearing Office of the Division of Medical Quality Assurance, Connecticut Department of Health Services to present this Consent Order and the factual basis for said Consent Order to the Connecticut Board of Examiners for Barbers, Hairdressers and Cosmeticians. He understands that said Board has complete and final discretion as to whether or not an executed Consent Order is approved or granted. He further agrees that the pre-hearing review form signed by him is incorporated by reference into this Consent Order.
12. That he has consulted with an attorney prior to signing this document.

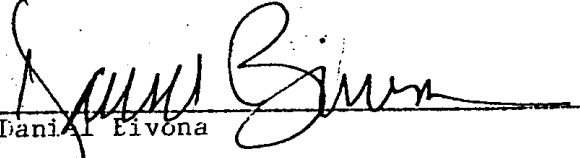
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I, Daniel Bivona, have read the above Consent Order, and I agree and admit to the terms and allegations set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

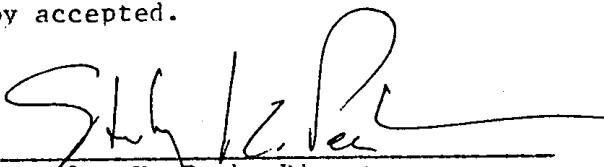

Daniel Bivona

Subscribed and sworn to before me this 7th day of November, 1988.

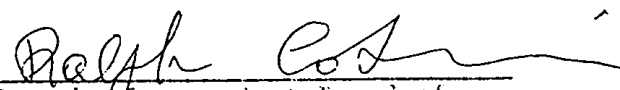

Notary Public or person authorized
by law to administer an oath or
affirmation

William E. Strada, Jr.
My Commission Expires: 3/31/91

The above Consent Order having been presented to the duly appointed agent of
the Commissioner of Health Services on the 10th day of
November 1988, it is hereby accepted.


Stanley K. Peck, Director
Division of Medical Quality Assurance

The above Consent Order having been presented to the duly appointed agent of the
Connecticut Board of Examiners for Barbers, Hairdressers and Cosmeticians on
the 14 day of Nov 1988, it is hereby ordered and
accepted.


For the Connecticut Board of
Examiners for Barbers, Hairdressers
and Cosmeticians